

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

WEST COOK RAILROAD RELOCATION AND :
DEVELOPMENT AUTHORITY, :

Petitioner, :

vs : No. T13-0051

UNION PACIFIC RAILROAD, ILLINOIS :
DEPARTMENT OF TRANSPORTATION, :
village of Bellwood, VILLAGE OF :
MELROSE PARK, AND THE COMMUTER :
RAIL DIVISION OF THE REGIONAL :
TRANSPORTATION AUTHORITY, :

Respondents. :

Petition for the construction of :
a new highway-rail grade separation: :
structure to replace the existing :
25th Avenue highway-rail grade :
crossing of the Union Pacific :
Railroad Company's tracks, located :
in Bellwood, Cook County, :
designated as AAR/DOT #174 0101, :
railroad milepost 11.73. :

Chicago, Illinois
June 5, 2013

Met, pursuant to adjournment, at 11:00 o'clock
a.m.

BEFORE: LATRICE KIRKLAND-MONTAQUE, Administrative
Law Judge

1 APPEARANCES:
2 HINTON LAW OFFICE, LLC,
1701 South First Avenue - Suite 504
3 Maywood, Illinois 60153
shinton@hintonlawoffices.com
4 (708) 345-9780
BY: MR. STEVEN A. HINTON,

5
Appearing on behalf of Kane County;

6
7 ILLINOIS DEPARTMENT OF TRANSPORTATION,
100 West Randolph Street - Suite 6-600
8 Chicago, Illinois 60601
lawrence.parrish@illinois.gov
9 (312) 793-5737
BY: MR. LAWRENCE PARRISH,

10
Appearing on behalf of the Illinois
11 Department of Transportation;
12

UNION PACIFIC RAILROAD,
13 101 North Wacker Drive
Suite 1920
14 Chicago, Illinois 60606
mackshumate@upcom
15 (312) 777-2055
BY: MR. MACK H. SHUMATE, JR.

16
-AND-

17
UNION PACIFIC RAILROAD,
18 2 North Riverside
Suite 1700
19 Chicago, Illinois 60661
ceanderson@upcom
20 (312) 496-4726
BY: CLAIRE E. ANDERSON,

21
Appearing on behalf of Union Pacific
22 Railroad;

1 APPEARANCES: (Continued)

2

village of Bellwood,
3 3200 West Washington Boulevard
Bellwood, Illinois 60104-1950
4 fpasquale@vil.bellwood.il.us
(708) 547-3500

5 BY: MAYOR FRANK A. PASQUALE,
6 Appearing on behalf of the Village
of Bellwood;

7

8 village of Bellwood,
3200 West Washington Boulevard
9 Bellwood, Illinois 60104
ptsiolis@strategiccpm.us
10 (708) 547-4045

BY: MR. PETER TSIOLIS,

11

Appearing on behalf of the village of
12 Bellwood and West Cook Railroad Relocation and
Development Authority;

13

14 ILLINOIS COMMERCE COMMISSION,
Senior Rail Safety Section
15 527 East Capitol Avenue
Springfield, Illinois 62701
16 bvercruysse@icc.illinois.gov
(312) 636-7760

17 BY: MR. BRIAN VERCRUYSSSE,
18 Appearing on behalf of the Illinois Commerce
Commission;

19

20

21

22

1 APPEARANCES: (Continued)

2

GLOBETROTTERS ENGINEERING CORPORATION,

3 300 South Wacker Drive - Suite 400

Chicago, Illinois 60606

4 sung.lee@gec.group.com

gregory.boltz@gec.group.com

5 robert.hegstrom@gec.group.com

(312) 922-6400

6 BY: MR. SUNG H. LEE, MR. GREGORY P. GOLTZ and

MR. ROBERT HEGSTROM,

7

8 Appearing on behalf of Globetrotters

Engineering Corporation;

9

10 L.A. COURT REPORTERS, LLC.,

8 West Monroe Street - Suite 2007

11 Chicago, Illinois 60603

lori@lareporting.com

12 (312) 419-9292

BY: LORI ANN ASAUSKAS, CSR, RPR

13 License No. 084-002890

14

15

16

17

18

19

20

21

22

1				I N D E X	
2	Witnesses	Direct	Cross	Redirect	Examiner
3	Tsiolis	11			Hinton
			28		Shumate
4			36		Parrish
			38		Vercruysse
5			39		Montague
	Hegstrom	40			Hinton
6			44		Shumate
			47		Vercruysse
7	Anderson	50			Shumate
			58		Montague
8			59		Parrish
			60		Vercruysse

9

10

11			E X H I B I T S	
12	NUMBER		MARKED FOR ID	IN EVIDENCE
13	Authority A		15	49
	Authority B		16	49
14	Authority C		23	49
	Authority D		25	49
15	Authority E		26	49
	Authority F		27	49
16	Authority G		12	49
	Authority H		14	49
17	Authority I		41	49
	Union Pacific A		60	61

18

19

20

21

22

1 JUDGE KIRKLAND-MONTAQUE: Okay. By
2 the power vested in me by the state of Illinois and
3 the Illinois Commerce Commission, I now call Docket
4 No. 13-0051. This is in the matter of the West Cook
5 Railroad Relocation and Development Authority as
6 Petitioner versus the Union Pacific Railroad,
7 Illinois Department of Transportation, village of
8 Bellwood, Village of Melrose Park and Commuter
9 Railroad Division of the Regional Transportational
10 Authority as Respondents.

11 We are here on the petition
12 for the construction of new highway-rail grade
13 separation structure to replace the existing 25th
14 Avenue highway rail-grade crossing of the Union
15 Pacific Railroad Company's tracks, located in
16 Bellwood, Cook County, Illinois.

17 May I have appearances, please?
18 Let's start with West Cook Railroad Authority.

19 MR. HINTON: Yes. My name is Steven
20 Hinton. I'm with the Hinton Law Offices. The law
21 offices are located 1701 South First Avenue, Suite
22 504, Maywood, Illinois. Our phone number is (708)

1 345-9708. I am the attorney for the Petitioner,
2 West Cook Railroad Relocation and Development
3 Authority.

4 JUDGE KIRKLAND-MONTAQUE: Thank you.
5 And UP?

6 MR. SHUMATE: My name is Mack, M-A-C-K,
7 Shumate, S-H-U-M-A-T-E. I'm an attorney for the
8 Union Pacific Railroad Company. Our offices are at
9 101 North Wacker Drive, Suite 1920, Chicago, Illinois
10 60606. My telephone number is (312) 777-2055. I
11 represent the Union Pacific Railroad in this matter,
12 a Respondent.

13 JUDGE KIRKLAND-MONTAQUE: IDOT?

14 MR. PARRISH: Good morning, your Honor.
15 I am Lawrence Parrish on behalf of IDOT. Our address
16 is 100 West Randolph, Chicago, Illinois 60601. Our
17 telephone number is (312) 793-5737.

18 JUDGE KIRKLAND-MONTAQUE: Is there
19 someone from the village of Bellwood?

20 MR. PASQUALE: Frank Pasquale, Mayor,
21 3200 Washington Boulevard, Bellwood, Illinois 60104.

22 JUDGE KIRKLAND-MONTAQUE: Can you spell

1 your last name, please?

2 MR. PASQUALE: P-A-S-Q-U-A-L-E.

3 JUDGE KIRKLAND-MONTAQUE: Okay. And
4 that's from Bellwood. What about the Village of
5 Melrose Park, any representatives?

6 MR. TSIOLIS: There are no
7 representatives from Melrose Park.

8 JUDGE KIRKLAND-MONTAQUE: And Metra?

9 MR. SHUMATE: The Union Pacific will
10 represent Metra in this matter.

11 JUDGE KIRKLAND-MONTAQUE: Okay.

12 MR. SHUMATE: Pursuant to our purchase
13 of service agreement with Metra, we operate the
14 Geneva Subdivision and we have a service agreement
15 with Metra for the commuter operations that occur
16 on that line.

17 JUDGE KIRKLAND-MONTAQUE: Okay. So you
18 are -- great.

19 Okay. Mr. Hinton, I will give you
20 the floor. Are you going to present witnesses today?

21 MR. HINTON: Yes, I am, your Honor.

22 JUDGE KIRKLAND-MONTAQUE: Okay.

1 MR. VERCROYSSSE: I will just put my
2 appearance for the Staff.

3 JUDGE KIRKLAND-MONTAQUE: Oh, I'm sorry.

4 MR. VERCROYSSSE: That's okay.

5 JUDGE KIRKLAND-MONTAQUE: We've got so
6 many people today. Staff?

7 MR. VERCROYSSSE: Brian Vercroyssse
8 representing the Illinois Commerce Commission Staff.
9 My phone number is (312) 636-7760. Thank you very
10 much.

11 JUDGE KIRKLAND-MONTAQUE: Thank you.
12 Sorry, Brian.

13 MR. VERCROYSSSE: That's all right.

14 JUDGE KIRKLAND-MONTAQUE: Okay.

15 Mr. Hinton, could you please have your witnesses
16 please stand up and raise their right hands? In
17 fact, any witnesses that will testify today, raise
18 your right hands.

19 (All witnesses stand
20 to be sworn.)

21 JUDGE KIRKLAND-MONTAQUE: Do you swear
22 to tell the truth, the whole truth, and nothing but

1 the truth, so help you God?

2 MR. TSIOLIS: I do.

3 MR. HEGSTROM: I do.

4 MS. ANDERSON: I do.

5 JUDGE KIRKLAND-MONTAQUE: Okay. You may
6 be seated. I will give you the floor, Mr. Hinton, to
7 present the petition.

8 MR. HINTON: Okay. Your Honor, this
9 matter has come before the Commission this morning
10 for hearing on the petition of the West Cook Railroad
11 Relocation and Development Authority seeking Grade
12 Crossing Protection Funds and permission to construct
13 a new grade separation structure over the Union
14 Pacific railroad tracks at 25th Avenue in Bellwood,
15 Illinois.

16 At this time I would like to call
17 my first witness, Peter Tsiolis.

18 JUDGE KIRKLAND-MONTAQUE: I'm sorry.
19 The last name?

20 MR. HINTON: Peter Tsiolis.

21 JUDGE KIRKLAND-MONTAQUE: Okay.

22 Mr. Tsiolis --

1 MR. TSIOLIS: No. It's Tsiolis, but
2 that's okay.

3 MR. HINTON: Tsiolis. I'm sorry.

4 JUDGE KIRKLAND-MONTAQUE: Tsiolis.
5 Come up and have a seat.

6 MR. TSIOLIS: Good morning, your Honor.

7 JUDGE KIRKLAND-MONTAQUE: Good morning.

8 MR. HINTON: Do you have a special
9 preference as to where I stand?

10 JUDGE KIRKLAND-MONTAQUE: No.

11 MR. HINTON: Okay.

12 JUDGE KIRKLAND-MONTAQUE: Feel free.

13 (Witness previously sworn.)

14 WHEREUPON:

15 P E T E R T S I O L I S

16 called as a witness herein, having been first duly
17 sworn, deposeth and saith as follows:

18 D I R E C T E X A M I N A T I O N

19 by Mr. Hinton

20 Q. Peter, please introduce yourself to the
21 Court.

22 A. My name is Peter Tsiolis. The last name

1 is spelled T-S-I-O-L-I-S.

2 Q. Okay. Peter, what is your highest level
3 of education?

4 A. I have a J.D. from DePaul University
5 College of Law.

6 Q. Okay. And what is your current occupation?

7 A. I'm the President of Strategic Project
8 Management, the Program Manager for the Grade
9 Separation Authority.

10 Q. Okay.

11 A. In addition to that, I also serve as
12 Chief of Staff of the village of Bellwood.

13 (Document marked as
14 Authority Exhibit No. G for
15 identification, 6/5/13.)

16 BY MR. HINTON:

17 Q. Peter, at this time, I'm going to show
18 you what was previously marked as exhibit -- for
19 purposes of this proceeding, I'm going to refer
20 to the West Cook Railroad Relocation and Development
21 Authority as the Authority because the other is a
22 mouthful.

1 A. All right.

2 Q. I'm going to show you what has previously
3 been marked as Authority Exhibit G. Do you recognize
4 this document?

5 A. Yes, I do.

6 Q. What is this document?

7 A. This is the enabling legislation from
8 the state of Illinois creating the Authority sometime
9 in 2008.

10 Q. Okay. And what does that -- what does that
11 enabling statute do?

12 A. The purpose of the statute was to create
13 an Authority that represents the villages of Maywood,
14 Bellwood and Melrose Park on the Board. The sole
15 purpose was to study the feasibility and ultimately
16 recommend the implementation on a project that would
17 take the at-grade crossing that is currently there
18 and create non-at-grade crossing.

19 MR. HINTON: Do you have the exhibit?

20 JUDGE KIRKLAND-MONTAQUE: I do, but I
21 can't --

22 MR. HINTON: This is a full copy of all

1 of the exhibits.

2 JUDGE KIRKLAND-MONTAQUE: Thank you.

3 These are in color and mine are not. This is better.

4 MR. HINTON: This is prettier.

5 JUDGE KIRKLAND-MONTAQUE: Thank you.

6 (Document marked as

7 Authority Exhibit No. H

8 for identification, 6/5/13.)

9 BY MR. HINTON:

10 Q. Peter, I'm now going to show you what's
11 previously been marked as Authority Exhibit H. Do
12 you recognize that document?

13 A. Yes, I do.

14 Q. Can you explain what that document is?

15 A. It's a financial statement prepared
16 by Anthes, Pruyn & Associates, the Authority's
17 accountant, their financial statements for every
18 year the Authority has been in existence, which
19 is part of the statutory requirement.

20 Q. Okay. And does that document and the
21 information that you have available, does it show
22 that the Authority is in good standing?

1 A. Yes, it does.

2 (Document marked as
3 Authority Exhibit No. A for
4 identification, 6/5/13.)

5 BY MR. HINTON:

6 Q. Okay. I'm going to show you what has
7 previously been marked as Exhibit A. Do you
8 recognize that document?

9 A. Yes, I do.

10 Q. What is that document?

11 A. This is a location plan indicating where
12 the current grade crossing is with a circle and
13 where the villages of Melrose Park and Bellwood
14 are in comparison to the current at-grade crossing.
15 The top -- it's heading north at the top of the
16 page. So Bellwood would then be on the left side
17 of the page and Melrose Park would be on the right.

18 Q. Okay. Hold on to that. We're going to
19 come back to that.

20 A. Okay.

21

22

1 (Document marked as
2 Authority Exhibit No. B for
3 identification, 6/5/13.)

4 BY MR. HINTON:

5 Q. I'm going to show you what's previously
6 been marked as Exhibit B. What is that document?

7 A. This exhibit has a number of photos of
8 the current condition of the grade crossing.

9 Q. Is that -- does that exhibit show actual
10 photos of the actual grade crossing where the grade
11 crossing separation should be?

12 A. Yes, it does.

13 Q. All right. Going back to Exhibit A, what
14 does the circle on Exhibit A depict?

15 A. It is showing you 25th Avenue running
16 north/south on the page and then the hashmarks are
17 the Union Pacific tracks or the current at-grade
18 crossing. There are some additional train tracks.
19 Those are for the Indiana Belt Road -- Indiana
20 Belt --

21 MR. PASQUALE: Indiana Harbor Belt
22 Railroad.

1 BY THE WITNESS:

2 A. Harbor Belt, there you go, railroad tracks.

3 BY MR. HINTON:

4 Q. But those have nothing to do with why we're
5 here today?

6 A. They do not have anything to do with the
7 grade crossing, but they are on here so that might
8 be a little bit confusing.

9 Q. Okay. The -- do you see railroad tracks
10 on Exhibit A in that circle area?

11 A. Yes, I do. Those are the UP tracks.

12 Q. Okay. What direction do those tracks run?

13 A. Those tracks run east/west.

14 Q. Okay. And those belong to who again?

15 A. The Union Pacific Railroad Company.

16 Q. Okay. And to your knowledge, who uses
17 those tracks?

18 A. The UP in addition to Metra.

19 Q. And we're here today for seeking grade
20 separation. What's the purpose for that grade
21 separation?

22 A. Well, the purpose for the legislation

1 was obviously to seek the grade crossing that would
2 not -- would no longer be at-grade. From the
3 villages of Melrose and Bellwood's perspective,
4 it's substantially more than just the current
5 congestion, which is unbearable and the emissions
6 from carbon from the vehicles, it's also a problem.
7 It is a life safety issue.

8 In addition to that, it is a huge
9 economic development issue and opportunity for the
10 villages of the two towns.

11 Q. Are there any issues concerning fire safety
12 and police?

13 A. There always has been. And I'm speaking
14 as the chief of staff here for the village of
15 Bellwood at the moment and my constant dialogue with
16 the representatives of Melrose, it's always an issue
17 of life safety in terms of fire or ambulances because
18 the two main hospitals that Bellwood are served by
19 happen to be on Lake Street and -- one on Lake Street
20 and one on North Avenue in Melrose Park.

21 The easiest way for our fire trucks
22 and our ambulances to get to those hospitals is to

1 go east on Washington and take a left on 25th
2 Avenue, which is approximately three blocks away
3 from the village hall and the fire department,
4 head north, cross the tracks and into Melrose
5 Park for those services.

6 When there's a train that's sitting
7 on the tracks for sometimes 25 or 30 minutes, a half
8 hour or longer, they have to reroute their direction,
9 either go to Mannheim and then cross over to Melrose
10 Park or go down to 19th or depending on the direction
11 of the train, and this could literally mean minutes
12 in somebody's life in an emergency. So our fire
13 department and our ambulance services are elated at
14 the possibility of this grade crossing.

15 More importantly, the residents
16 that would be served by the ambulances are impacted
17 even to a greater degree obviously since there are
18 life safety issues. There's always been a concern
19 from that perspective.

20 There's also a concern of the
21 safety of the vehicles trying to cross the tracks
22 or the vehicles that see the gates coming down,

1 slam on their brakes, and other cars smash into them.
2 It's a constant problem for both municipalities, not
3 just Melrose.

4 Q. As a result of the current railroad
5 tracks there -- I'm sorry -- the crossing there,
6 do you see a lot of traffic congestion problems
7 there?

8 A. Every day, all day long.

9 Q. Okay. And what would be the benefit of
10 this project going forward?

11 A. Other than the life safety issues, the
12 ease of congestion, and the lack of productivity
13 it would cause by people sitting, waiting and losing
14 man hours, it's extremely important from an economic
15 development perspective.

16 Now, 25th Avenue is a major
17 arterial road for the western suburbs. It's
18 significant in the sense that it has wide enough
19 setbacks that allows for economic development
20 unlike Mannheim. It doesn't. Because there is
21 an at-grade crossing at 25th Avenue, people take
22 Mannheim and Mannheim's congestion becomes

1 substantially more than it would be.

2 As an economic development tool,
3 the villages of Bellwood and Melrose Park are not
4 able to expand economic development on Mannheim
5 simply because of the way the streets are configured
6 in certain areas. 25th Avenue is a lot different in
7 that sense. There are setback provisions that allow
8 for development of commercial settings on and so
9 forth.

10 Unfortunately, every developer
11 we've talked to and our urban planners and our
12 comprehensive plan analysts and literally end users
13 like Walmart and so on and so forth, the congestion
14 of these trains prevent them from viewing 25th Avenue
15 of what it really should be. There's approximately
16 20,000 cars a day on 25th Avenue. We anticipate
17 that number would grow drastically, which would
18 allow these end users that look at traffic counts
19 as the driving force to consider 25th Avenue a
20 major thoroughfare.

21 To that point, real quickly, if
22 I may, the village of Bellwood owns -- owned

1 116.5 acres at Lake and 25th, which is literally
2 a few hundred feet away from where the grade
3 crossing is. The village was trying to sell those
4 properties -- the village of Bellwood owning property
5 in Melrose Park -- trying to sell those properties
6 for a number of years and couldn't move the property.
7 It just simply wasn't going to happen.

8 With the government coming down
9 and signing the legislation that it did last July,
10 we sold 11 of the 16 acres and ^ Citext, the group
11 that bought it buys property all over the -- am I
12 going a little too far for you?

13 Q. Yes.

14 A. Okay. I could talk about this all day
15 long. Needless to say, this is a major driving --

16 Q. I know you're passionate about it.

17 A. I am passionate about it.

18 Q. So would it be fair to say that the public
19 safety and convenience would be enhanced by this
20 property?

21 A. Greatly.

22 Q. I'm now going to show you -- actually, are

1 you familiar with the proposed funding for the
2 project?

3 A. Yes I am.

4 (Document previously marked
5 as Authority Exhibit C for
6 identification, 6/5/13.)

7 BY MR. HINTON:

8 Q. I'm going to show you what's been
9 previously marked as Authority Exhibit C. Do
10 you recognize that document?

11 A. Yes, I do.

12 Q. Okay. What is that document?

13 A. The first page of this document at
14 the top are project costs and at the bottom is
15 the anticipated construction schedule.

16 Q. Okay. Can you summarize --

17 A. Project schedule as opposed to construction
18 schedule.

19 Q. Can you summarize the cost of the project
20 for me?

21 A. I can. In the middle of the page, you
22 will see the overall project costs is just slightly

1 under \$41 million. To date, IDOT has contributed
2 about \$1 million towards the project. CMAC has
3 contributed approximately \$120,000. The two villages
4 have contributed \$2 million to the project out of
5 their own general fund and then we are obviously
6 seeking the maximum contribution from the ICC of
7 \$12 million and then you find in the right column
8 or the right box the remainder, which is through
9 Create and the Illinois Job Initiative.

10 Q. Okay. And the exhibit that was filed with
11 the petition, it actually had a typographical error,
12 IGN. It should be IJN?

13 A. It should be J. Yes, that's correct.

14 Q. Okay.

15 A. And on the bottom of that, you see some
16 dates for project completion.

17 Q. At this time is the Authority requesting
18 Grade Crossing Protection Funds to construct the
19 bridge?

20 A. Yes, we are.

21 Q. And what amount is Authority requesting for
22 Grade Crossing Protection Funds?

1 A. \$12 million.

2 Q. And are you familiar with the current
3 status of the proposed project to build the grade
4 separation?

5 A. Yes, I am.

6 Q. Okay. What is it? What is that?

7 A. The project is currently in Phase II
8 engineering and land acquisition.

9 Q. Okay.

10 A. And utility relocation.

11 (Document previously marked
12 as Authority Exhibit D for
13 identification, 6/5/13.)

14 BY MR. HINTON:

15 Q. Okay. I want to show you what was
16 previously been marked as Authority Exhibit D.
17 Do you recognize that document?

18 A. Yes, I do.

19 Q. What is that document?

20 A. This is an overhead view of the project
21 area and it indicates all issues related to land
22 acquisition rights-of-way and so on. Different

1 shadings are obviously indicating different types of
2 land acquisition issues.

3 (Document previously marked
4 as Authority Exhibit E for
5 identification, 6/5/13.)

6 BY MR. HINTON:

7 Q. I'm going to show you what was previously
8 marked as Authority Exhibit E. Do you recognize this
9 document?

10 A. Yes, I do.

11 Q. What is that document?

12 A. Well, this document is the jurisdictional
13 documents drafted by the state of Illinois, Melrose
14 Park and Bellwood transferring the jurisdictional --
15 transferring the jurisdiction from the state on 25th
16 Avenue to the two municipalities.

17 Q. Okay. Now, upon completion of the bridge,
18 who would be responsible for the maintenance of the
19 bridge?

20 A. The village of Bellwood would be
21 responsible for the maintenance and operation of
22 the bridge and financing will be split between the

1 two communities.

2 (Document previously marked
3 as Authority Exhibit F for
4 identification, 6/5/13.)

5 BY MR. HINTON:

6 Q. Now, I will show you previously marked as
7 Authority Exhibit F for identification purposes. Do
8 you recognize that document?

9 A. Yes, I do.

10 Q. What was this document?

11 A. This is a letter written by Union Pacific
12 to Mayor Pasquale who serves as the chairman of
13 the Authority as well as indicating Union Pacific's
14 support for the project.

15 Q. To your knowledge, does the village of
16 Bellwood support the proposed grade separation
17 project?

18 A. Absolutely.

19 Q. Also, does the village of Melrose Park
20 support the proposed grade separation project?

21 A. The village of Melrose Park is in complete
22 support of the project, Mayor Serpico, his board,

1 in addition, the two representatives and Mayor
2 Serpico is appointed to the grade separation
3 authority in support of the project, both Melrose
4 representatives.

5 Q. And do you know that?

6 A. I speak to Mayor Serpico on a regular
7 basis. I'm the program manager for the Authority.
8 Mayor Pasquale is in constant contact with Melrose
9 Park and he is the chairman of the Authority.
10 Beyond that, the largest support and the lobbying
11 efforts that come from Mayor Serpico in terms of
12 this bridge are well documented.

13 MR. HINTON: Thank you. I have no
14 further questions at this time.

15 JUDGE KIRKLAND-MONTAQUE: Mr. Shumate,
16 do you have any questions for the witness?

17 MR. SHUMATE: Yes. Thank you, your
18 Honor.

19 C R O S S - E X A M I N A T I O N

20 by Mr. Shumate

21 Q. Mr. Tsiolis --

22 A. Tsiolis.

1 Q. Tsiolis. I knew I'd mess that up. I
2 apologize.

3 A. That's okay.

4 Q. Mr. Tsiolis, Peter.

5 A. I'm used to it.

6 Q. Okay, now, you indicated that the -- on
7 Exhibit C, Page 1 of the two pages of Exhibit C,
8 that the Villages of Bellwood and Melrose Park,
9 they have a cost either incurred or to be incurred
10 of \$2 million; is that correct?

11 A. It is correct. The villages have actually
12 contributed the \$2 million.

13 Q. Okay. And is that a 50/50 or how does that
14 work?

15 A. It's approximately 50/50. If it would
16 be not 50/50, it would be pennies off.

17 Q. Okay. All right. Then with respect
18 to maintenance of the structure after it's
19 completed, let's talk about inspection, maintenance
20 rehabilitation and reconstruction. It's my
21 understanding that the bridge itself is located
22 in the village of Bellwood; is that correct?

1 A. That is correct.

2 Q. And that the -- as I mentioned before,
3 the inspection, maintenance, rehabilitation and
4 reconstruction, that work would be undertaken or
5 under the control of Bellwood; is that correct?

6 A. That is correct.

7 Q. Okay. And then the cost for that, how
8 would that be handled?

9 A. The two municipalities view that as
10 a 50/50 cost. There is a framework of an
11 intergovernmental agreement between two communities
12 that we think we will finalize well in advance of
13 the completion of this project to split the cost
14 evenly just like we did with the initial \$2 million.

15 Q. And this intergovernmental agreement,
16 once its finalized, to your knowledge, would that
17 have a provision in it that any time any work
18 that's going to be done on the bridge within the
19 envelope of the railroad's right-of-way that the
20 village would ask for a contract right-of-entry
21 agreement with the railroad for safety of the
22 contractors?

1 A. Absolutely.

2 Q. Okay. Let's go to the land acquisition
3 Exhibit D.

4 Now, this was previously discussed.
5 It shows the various land acquisitions that the West
6 Cook organization or the municipalities would have
7 to pick in order to build the entire structure; is
8 that correct?

9 A. That is correct.

10 Q. Okay. Now, to your knowledge, is there an
11 indication there that there are any air rights over
12 the Union Pacific Railroad Company for this project?

13 A. Not on that document.

14 Q. Okay. Is your understanding that the Union
15 Pacific Railroad would grant air rights either to
16 the West Cook group or to Bellwood for this project?

17 A. That is my understanding.

18 Q. Let's go back to that one. No, the one
19 before it. No, the one that -- the one before that.
20 One more. Yes.

21 This exhibit has been made part
22 of the petition and it's entered here and referenced

1 here today and it's Exhibit D. It's page one of two.

2 Are you familiar with that exhibit?

3 A. Yes, I am.

4 Q. Okay. Now, there is an indication if you
5 look very close on that exhibit that the railroad's
6 right-of-way is almost in the center of the print;
7 is that correct?

8 A. That is correct.

9 Q. Okay. Now, there is a red line here and
10 to the left, it says village of Bellwood and to the
11 north, it says Village of Melrose Park; is that
12 correct?

13 A. On the east side of the track; that is
14 correct.

15 Q. Okay. Now, the bridge itself will be in
16 what town?

17 A. The bridge itself will be in Bellwood.

18 Q. Okay. And there is a red line here
19 that's on the east side that goes almost through
20 the center of the railroad right-of-way and then
21 it -- then it goes north. To your knowledge, is
22 that an indication of where Melrose Park's property

1 is?

2 A. The Melrose Park -- yes, that is correct.

3 The Melrose Park property is east of the 25th Avenue
4 road and north of the tracks. So that gray shaded
5 area is the beginning of Melrose Park.

6 Q. And then eventually Melrose Park's boundary
7 then does come across 25th Avenue and goes west?

8 A. Melrose Park -- yes, that is correct.

9 Q. Okay. And this structure itself, once it's
10 completed, there will be some driveways underneath
11 it for the industries both to the west and to the
12 east; is that correct?

13 A. There will be a driveway on the south side
14 of the tracks going onto the ^ Cosey O'Brien property
15 for maintenance issues and easement issues, that is
16 correct, and there will be a driveway into the
17 properties on the west side of the tracks where
18 that grassy area is at-grade. I believe that's
19 at-grade there. It will not be running on a
20 track on the north side of the tracks. It will
21 be at-grade.

22 Q. Okay. And the entire project is -- is

1 it the area that's indicated in white on this part?

2 A. That is correct.

3 Q. And that -- that's the \$40,000 (sic.)

4 figure and change?

5 A. Yes, \$41 million something.

6 Q. Yes, 41 million. I apologize.

7 MR. SHUMATE: Claire, put up the
8 schematic of the -- the engineering drawing up.

9 BY MR. SHUMATE:

10 Q. Do you know who prepared this? This is
11 attached to the petition as, I think, Exhibit I.
12 It's Page 1 of 17 pages.

13 A. That was prepared by Globetrotters
14 Engineering, the engineer for the Authority for
15 Phases I and II.

16 Q. Okay. Now, on your print that was
17 referenced earlier, it's a location plan and
18 it's Exhibit A for the petition?

19 A. That's correct.

20 Q. Okay. Now, when you look at that at the
21 intersection of 25th Avenue and the railroad tracks,
22 it appears that there are either one or two tracks

1 there, but that's just for purposes of
2 representation; is that right?

3 A. That is correct.

4 Q. So to your knowledge, how many tracks
5 of the Union Pacific railroad are at the bridge
6 location?

7 A. My understanding is that there are
8 currently four tracks.

9 Q. Okay. And that would be depicted on
10 this print right here underneath the bridge; is
11 that correct?

12 A. That's correct.

13 Q. Okay. And on the top here, it says
14 there is a plan and profile of the bridge and
15 that shows the piers that will hold the bridge
16 up and then also the earthed-in area that will
17 be required to build it up --

18 A. That's correct.

19 Q. Okay. So in order to complete this,
20 where the bridge actually goes over the railroad,
21 which is in a center section here (indicating),
22 there would have to be some form of air rights for

1 the railroad --

2 A. That is correct.

3 Q. -- that would have to be granted?

4 A. That's correct.

5 Q. Thank you, sir.

6 A. Thank you.

7 MR. SHUMATE: That's all I have.

8 JUDGE KIRKLAND-MONTAQUE: Mr. Parrish,
9 do you have any question for the witness?

10 MR. PARRISH: Yes, your Honor. Just a
11 couple.

12 D I R E C T E X A M I N A T I O N

13 by Mr. Parrish

14 Q. Mr. Tsiolis, directing your attention to
15 Petitioner's Exhibit C, the allocation of project
16 costs section, there is a breakdown of the allocation
17 of costs and it includes an entry to IDOT of
18 \$955,144; do you see that?

19 A. Yes, I do.

20 Q. Now, is that -- are those funds that
21 have previously been dispersed or are they going
22 to prospectively be dispersed?

1 A. Those have been previously been dispersed.

2 Q. Okay. And directing your attention to
3 the IJN-Create section that states project allocation
4 of \$25,700,000, that is basically IDOT money; is that
5 correct?

6 A. That is my understanding.

7 Q. Okay. Now, the \$955,000, is that to be
8 ultimately subtracted -- what we have already
9 contributed, is that to be subtracted from the
10 \$25,700,000?

11 A. My understanding is it's all part of --
12 it's the \$950,000 plus the additional amount that
13 is required to continue to finish the construction.

14 Q. I see. Okay.

15 A. It's an additional amount.

16 Q. I see.

17 MR. PARRISH: Thank you. I have no
18 further questions, your Honor.

19 JUDGE KIRKLAND-MONTAQUE: Okay.

20 Mr. Vercruysse?

21 MR. VERCRUYSSSE: Yes, your Honor.

22

1 C R O S S - E X A M I N A T I O N

2 by Mr. Vercruysse

3 Q. Mr. Tsiolis, staying with Exhibit C, in
4 terms of the Create portion, is there a breakout
5 amount from that, from the \$25,700,000? Is the
6 Create Partnership putting a certain amount in
7 there that you are aware of?

8 A. My understanding is that Create, along
9 with the state, have been working towards this
10 together. How that breaks down, I'm not aware of.

11 Q. Thank you. In terms of the completion
12 dates also on the exhibit, December 2015 would be
13 the requested completion date --

14 A. That is correct.

15 Q. -- for purposes of an order?

16 A. That is correct.

17 Q. In terms of the right-of-way that's
18 remaining to be purchased, are there any foreseen
19 complications or anything else or we're in the
20 normal process for land acquisition?

21 A. I think we are in the normal process for
22 land acquisition.

1 Q. Great. Thank you, Mr. Tsiolis.

2 A. Thank you.

3 MR. VERCRUYSSSE: No further questions,
4 your Honor.

5 JUDGE KIRKLAND-MONTAQUE: Any redirect?

6 MR. HINTON: No redirect, your Honor.

7 JUDGE KIRKLAND-MONTAQUE: I have a
8 question.

9 C R O S S - E X A M I N A T I O N

10 by Judge Kirkland-Montaque

11 Q. I don't recall hearing this. How long
12 should construction of this construction project
13 take?

14 A. From May 2014 through December 2015. So
15 that's approximately a year and six months, a year
16 and five months.

17 JUDGE KIRKLAND-MONTAQUE: Okay. That's
18 all I have. You may be excused.

19 THE WITNESS: Thank you.

20 (Witness excused.)

21 MR. HINTON: I will call my second
22 witness, Robert Hegstrom.

1 (Witness previously sworn.)

2 WHEREUPON:

3 R O B E R T H E G S T R O M

4 called as a witness herein, having been first duly
5 sworn, deposeth and saith as follows:

6 D I R E C T E X A M I N A T I O N

7 by Mr. Hinton

8 Q. Could you state your name for the record?

9 A. Robert Hegstrom, H-E-G-S-T-R-O-M.

10 Q. Okay. And what's your highest level of
11 education?

12 A. Bachelor's of science in civil engineering.

13 Q. Okay.

14 A. I'm also a registered professional engineer
15 in the state of Illinois.

16 Q. Okay. What's your current occupation?

17 A. I'm a civil project engineer at
18 Globetrotters Engineering Corporation.

19 Q. Okay. And what are your duties and
20 responsibilities in that capacity?

21 A. I work on design plans that we call
22 Phase II plans and prepare contract documents

1 for construction of various civil infrastructure
2 projects.

3 Q. Okay. Now, are you familiar with the
4 Authority's grade separation project?

5 A. Yes, I am.

6 Q. How are you familiar with that?

7 A. I am working as a project engineer on
8 developing the plans for this specific project.

9 (Document previously marked
10 as Authority Exhibit I for
11 identification, 6/5/13.)

12 BY MR. HINTON:

13 Q. I'm going to show you now what's been
14 previously marked as Authority Exhibit I for
15 identification purposes. Can you take a look at
16 that document?

17 A. Yes.

18 Q. What is that document?

19 A. This is a group of preliminary road
20 and bridge plans that were prepared for the
21 early stages of the design development to prepare
22 the actual final contract documents for bidding

1 purposes.

2 Q. Okay. Now, can you identify the type
3 of bridge to be constructed on railroad?

4 A. Yes. It's going to be a four-span
5 steel plate girder bridge with a reinforced
6 concrete deck.

7 Q. Do you know the proposed length of the
8 bridge?

9 A. About 396 feet long.

10 Q. How about -- do you know the vertical
11 clearance from the top of the rail to the bottom
12 of the proposed bridge?

13 A. The proposed minimum vertical clearance
14 will be 23'6".

15 Q. What's the horizontal clearance?

16 A. The southernmost track to pier number
17 one is about 23 feet and from the center line
18 of the northernmost track to pier number two is
19 about 39 feet with seven inches in there.

20 Q. Now, this project, it will be built
21 primarily in points to the plans, types, size
22 and location; is that correct?

1 A. Yes, yes.

2 Q. I'm going to show you what was previously
3 marked as Petitioner's Exhibit C for identification
4 purposes. Do you recognize this document?

5 A. Yes, I do.

6 Q. Okay. What is that document?

7 A. The top half is the project cost summary --
8 preliminary cost -- and the bottom half is the
9 project schedule.

10 Q. Okay. In reviewing that document, what
11 are the estimated construction costs at this time?

12 A. \$27,500,000.

13 Q. And I believe the Judge asked, but I'll
14 ask anyway, do you know how long this project will
15 take to be completed?

16 A. We are projecting the construction start
17 will begin in May of 2014 and will be completed by
18 December of 2015.

19 Q. During the construction, will any roads
20 be closed?

21 A. Yes. We are proposing a detour route
22 when the bridge and roadway construction is ongoing

1 so that all through traffic will be detoured on
2 St. Charles Road to Mannheim Road to Lake Street.

3 We are also proposing to provide
4 local access to residences and businesses between
5 St. Charles Road and Grant Street by staging that
6 construction building some temporary pavement and
7 doing the construction in several stages so we'd
8 always provide one lane of traffic in each direction
9 between St. Charles Road and Grant Street. But
10 all the through traffic would be diverted to Mannheim
11 Road.

12 MR. HINTON: Okay. I have no further
13 questions, your Honor.

14 JUDGE KIRKLAND-MONTAQUE: Mr. Shumate?

15 MR. SHUMATE: Yes. Thank you.

16 C R O S S - E X A M I N A T I O N

17 by Mr. Shumate

18 Q. Mr. Hegstrom, you mentioned earlier that
19 the vertical clearance of the bridge will be
20 23'6". Do you know whether that's from the ground
21 or whether that's from the top rail?

22 A. Top rail to bottom of low steel.

1 Q. Okay. And for clarification purposes,
2 the piers that are in the center of the bridge,
3 center location, are they technically on the Union
4 Pacific right-of-way?

5 A. No. They are just outside of the Union
6 Pacific right-of-way.

7 Q. And is that below and aboveground that
8 they will be outside of the Union Pacific
9 right-of-way?

10 A. Yes.

11 Q. Now, there are several public utilities
12 that currently use 25th Avenue; is that correct?

13 A. That's correct.

14 Q. And will these plans assure that all of
15 those public utility uses will continue and --

16 A. Yes. There will be some relocations of
17 both public and private utilities to accommodate
18 the new construction. Those plans are also in
19 progress right now.

20 Q. And is that all part of this estimate?

21 A. Yes.

22 Q. Okay. And the installation of those

1 relocations, to the extent that they are underneath
2 the railroad right-of-way, will they be done in
3 conformance with the engineering standards required
4 by the Union Pacific Railroad?

5 A. Yes, they will.

6 Q. Okay. Your firm helped to prepare or did
7 prepare Exhibit C, Pages 1 and 2, to the petition,
8 which gives a cost estimate for reconstruction; is
9 that correct?

10 A. Yes.

11 Q. Is there any contingency built into this?

12 A. Yes.

13 Q. How much?

14 A. The second page is a spreadsheet just
15 for the construction costs. I believe there is
16 a 25 percent contingency. There are preliminary
17 estimates at this stage.

18 Q. And so if there is a potential that if
19 things go well, the cost of these extras could
20 be a little bit less than estimated?

21 A. Could be or it could be more.

22 Q. Okay.

1 A. Depending on contractors' bids.

2 Q. Now, during the construction process,
3 you have an estimate in here for flagging costs
4 that might be incurred by the project when you
5 were within the railroad right-of-way?

6 A. That's correct.

7 MR. SHUMATE: No further questions.
8 Thank you.

9 JUDGE KIRKLAND-MONTAQUE: Mr. Parrish?

10 MR. PARRISH: I have no questions, your
11 Honor.

12 JUDGE KIRKLAND-MONTAQUE: All right.
13 Mr. Vercruysse?

14 MR. VERCRUYSSSE: Thank you, your Honor.

15 C R O S S - E X A M I N A T I O N

16 by Mr. Vercruysse

17 Q. Mr. Hegstrom, will this be an IDOT letting?

18 A. No. It will be a local letting.

19 Q. A local letting. Okay. To clarify from
20 Exhibit C, Page 2 of 2, the \$27.5 million, is that
21 for the structure and from the touchdown to
22 touchdown?

1 A. Yes, all the roadway, the retaining wall
2 and the bridge itself and the utility relo- -- and
3 hopefully the utility relocation.

4 Q. Thank you. In terms of your testimony,
5 you noted that you will seek to close 25th Avenue
6 except for local access during construction; that
7 is correct?

8 A. That's correct.

9 Q. And at this time, you proposed Mannheim as
10 the detour route; is that correct?

11 A. That's correct.

12 Q. Does that need to be further coordinated
13 with IDOT as the constructioneers to make sure
14 that that's the acceptable route?

15 A. They have basically approved the routing.
16 The only issue now is a potential other IDOT project
17 on Mannheim Road. Once the two projects schedule,
18 they are firmed better, but IDOT has reviewed the
19 detour plan and they have agreed to that. We
20 just need to coordinate the final scheduling
21 of the two projects.

22 MR. VERCRUYSSSE: Thank you. No further

1 questions. I appreciate it.

2 JUDGE KIRKLAND-MONTAQUE: Do you have
3 any redirect?

4 MR. HINTON: No redirect, your Honor.

5 JUDGE KIRKLAND-MONTAQUE: You may be
6 excused.

7 (Witness excused.)

8 MR. HINTON: No further questions.

9 JUDGE KIRKLAND-MONTAQUE: Okay.

10 MR. HINTON: At this time, I would like
11 to move all of my exhibits into evidence, Exhibits A
12 through I, your Honor.

13 JUDGE KIRKLAND-MONTAQUE: Any objection?

14 MR. SHUMATE: No objection.

15 MR. PARRISH: No objection.

16 MR. VERCRUYSSSE: No objection.

17 JUDGE KIRKLAND-MONTAQUE: Okay. Then
18 Petitioner's A through I are admitted into
19 evidence.

20 (Petitioner's Exhibits
21 A through I were admitted
22 into evidence.)

1 MR. HINTON: Thank you, your Honor.

2 JUDGE KIRKLAND-MONTAQUE: Okay.

3 Mr. Shumate, do you have a witness to present?

4 MR. SHUMATE: Yes, I do, your Honor.

5 I would like to call Claire Anderson, if I could.

6 (Witness previously sworn.)

7 WHEREUPON:

8 C L A I R E A N D E R S O N

9 called as a witness herein, having been first duly
10 sworn, deposeth and saith as follows:

11 D I R E C T E X A M I N A T I O N

12 by Mr. Shumate

13 Q. Would you state your name for the record,
14 please?

15 A. Claire, C-L-A-I-R-E, Anderson,
16 A-N-D-E-R-S-O-N.

17 Q. Okay. And speak up. All right?

18 A. Yes.

19 Q. Thank you.

20 A. No problem.

21 Q. Okay. And by whom are you currently
22 employed?

1 A. Union Pacific Railroad.

2 Q. And how long have you worked for Union

3 Pacific Railroad and/or its predecessors?

4 A. Six years.

5 Q. And what department are you in?

6 A. Engineering.

7 Q. And what is your current job title?

8 A. Manager of field engineering.

9 Q. Are you familiar with the project that's

10 here today?

11 A. Yes.

12 Q. And what's your highest level of education?

13 A. I have a Bachelor's of Science in civil

14 engineering.

15 Q. Okay. When is the last time you were at

16 the site of the proposed project?

17 A. Two weeks ago.

18 Q. And have you been working on this project

19 recently?

20 A. Yes.

21 Q. Okay. And how have you been working on it?

22 A. We reviewed this yesterday.

1 Q. Pardon me?

2 A. We reviewed this yesterday and then we
3 also had a case study for the design, I believe,
4 a month and a half ago.

5 Q. Okay. Is the Union Pacific Railroad in
6 favor of this project?

7 A. Yes.

8 Q. Have preliminary plans been reviewed by
9 the Union Pacific at this time for the project?

10 A. Yes.

11 Q. Thus far, are they satisfactory for the
12 Union Pacific?

13 A. Yes.

14 Q. There was some previous discussion with
15 regard to the actual bridge structure that would
16 be over the Union Pacific right-of-way. Is it your
17 understanding that Union Pacific would contribute
18 five percent to the project for the structure that
19 is over its right-of-way?

20 A. Yes.

21 Q. Would that also include the portions of
22 the structure that are not technically on Union

1 Pacific's right-of-way, but just on the outside
2 the two piers?

3 A. Yes.

4 Q. To your knowledge, has an estimate been
5 made by the Union Pacific Railroad with regard to
6 the air rights that would be required to complete
7 this project over the Union Pacific right-of-way?

8 A. Yes.

9 Q. Do you recall what the square footage
10 is that would necessarily be required for the air
11 rights?

12 A. Yes. It's 6,700 square feet.

13 Q. Okay. It's 6,700 square feet?

14 A. Yes.

15 Q. Okay. Do you know approximately what
16 the price range of property in the area is for
17 fee ownership?

18 A. Per foot, it's \$9 to \$12.

19 Q. Okay. And so just using those as rough
20 figures, what would be -- if you were purchasing
21 the property on the ground and had the fee interest,
22 what would the range of value that the Union Pacific

1 would expect to receive if it was to sell the
2 property?

3 A. \$60,000 to \$87,000.

4 Q. Okay. But this would only be the air
5 rights to it, correct?

6 A. Yes.

7 Q. So it would be a substantial reduction?

8 A. Yes.

9 Q. Do you know approximately what percentage
10 that would be?

11 A. It would be one-third.

12 Q. So if you split the difference between nine
13 and the \$12, approximately how much would that be?

14 A. \$20,000 to \$27,000.

15 Q. Okay. And would Union Pacific expect
16 to use that cost as part of its five percent
17 contribution?

18 A. Yes.

19 Q. After the project is complete, do you
20 expect that the road Authority or Authorities
21 would have a requirement to enter into a contract
22 or right-of-entry agreement with the Union Pacific

1 for any inspection, maintenance, rehabilitation
2 or reconstruction of the bridge?

3 A. Yes.

4 Q. And does Union Pacific have a standard
5 form of contract right-of-entry agreement that
6 it uses systemwide?

7 A. Yes.

8 Q. All right. How many states does the Union
9 Pacific currently operate in; do you know?

10 A. Twenty-three.

11 Q. And is that same document used in all 23
12 states?

13 A. Yes.

14 Q. Claire, is there anything that I have
15 failed to ask you that you think would be helpful
16 to the hearing officer or to the Illinois Commerce
17 Commission with regard to this project?

18 A. The only thing that we didn't go over was
19 the amount of trains was different than what was
20 actually mentioned in the petition.

21 Q. Oh, thank you. In the petition, there
22 was a reference to 94 freight trains?

1 A. Yes.

2 Q. And what is the accurate number?

3 A. It's actually 35 freight trains and 59
4 passenger trains. The total number of trains is
5 94 trains.

6 Q. Okay. And was there any other statistic
7 in the petition -- well, I think there was one
8 other -- how many actual mainlines does the Union
9 Pacific have?

10 A. Three.

11 Q. So it's not two as in the petition, but
12 there are three?

13 A. Uh-huh, yes.

14 Q. When the -- and the third mainline was
15 recently installed; is that correct?

16 A. Yes.

17 Q. And there's a fourth track. What's the
18 fourth track?

19 A. It's just a yard track. It's a switch
20 line.

21 Q. What is the speed of the railroad
22 operations at the location at the existing crossing

1 today?

2 A. Fifty miles per hour is the maximum speed.

3 Q. And if you have a through freight train
4 or a through commuter train, is it expected that
5 they could be operating at that speed?

6 A. Yes.

7 Q. Okay. Define in your own words what --
8 when I said through freight, what does that mean?

9 A. A train that does not stop.

10 Q. Okay.

11 A. There is a yard there. So they have the
12 potential to stop, but if it's a train just passing
13 through to go downtown, it would be at maximum
14 speed.

15 Q. Are there trains on this line that would
16 not be at that speed because of either railroad
17 stations or railroad yards in the area?

18 A. Yes.

19 Q. Can you explain that a little bit?

20 A. If a train is entering into the yard, it
21 could be completely stopped or just starting up
22 from having stopped to get ready to go into the

1 yard and there's also stations on either side of
2 25th Avenue where trains would have stopped so
3 they probably wouldn't be at maximum speed by the
4 time they reached 25th Avenue.

5 Q. Is there anything else I forgot?

6 A. No.

7 MR. SHUMATE: Thank you. No further
8 questions.

9 JUDGE KIRKLAND-MONTAQUE: I just have
10 one question.

11 C R O S S - E X A M I N A T I O N

12 by Judge Kirkland-Montaque

13 Q. Is there any Metra station nearby?

14 A. There is Melrose Park to the east and there
15 is Bellwood to the west.

16 JUDGE KIRKLAND-MONTAQUE: Okay. All
17 right. Mr. Hinton, do you have any questions for the
18 witness?

19 MR. HINTON: Could I have one second,
20 your Honor?

21 JUDGE KIRKLAND-MONTAQUE: Sure.

22 MR. HINTON: No. I have no questions.

1 JUDGE KIRKLAND-MONTAQUE: Mr. Parrish?

2 MR. PARRISH: Yes. I have just a point
3 of clarification.

4 C R O S S - E X A M I N A T I O N

5 by Mr. Parrish

6 Q. You may have previously stated, forgive
7 me if you have, but I'm looking at Paragraph 2 of
8 the petition and in about the one, two, three,
9 four, five, six, seventh line down, there is a
10 statement that the average daily rail traffic
11 consists of approximately 94 freight trains and
12 59 computer trains. Was that figure correct or
13 it was not?

14 A. No. It's not correct. The total number
15 of trains is 94.

16 Q. The total number?

17 A. There's only 35 freight and 59 commuter.

18 MR. PARRISH: Thank you. That's the
19 only question I had.

20 JUDGE KIRKLAND-MONTAQUE: Okay.

21 Mr. Vercruysse?

22 MR. VERCRUYSSSE: Thank you, your Honor.

1 C R O S S - E X A M I N A T I O N

2 by Mr. Vercruysse

3 Q. Ms. Anderson, when will the Union Pacific
4 Railroad remove the crossing surface and the warning
5 devices at the existing crossing?

6 A. Once the bridge is in services.

7 MR. VERCruysse: Great. Thank you. No
8 further questions.

9 JUDGE KIRKLAND-MONTAQUE: Any redirect,
10 Mr. Shumate?

11 MR. SHUMATE: No redirect.

12 JUDGE KIRKLAND-MONTAQUE: You may be
13 excused.

14 (Witness excused.)

15 JUDGE KIRKLAND-MONTAQUE: So there are
16 no other witnesses that either party wants to present
17 at this time.

18 MR. HINTON: No, ma'am.

19 (Document marked as Union
20 Pacific Group Exhibit A for
21 identification, 6/5/13.)

22 MR. SHUMATE: No, but at this point in

1 time, and with the indulgence of the Petitioner,
2 if for purposes of review, we have prepared this
3 slide presentation. We would offer it as Union
4 Pacific Group Exhibit A, if you have no objection.

5 MR. HINTON: No objection, your Honor.

6 JUDGE KIRKLAND-MONTAQUE: Okay. Union
7 Pacific Group Exhibit A is admitted.

8 (Union Pacific Group
9 Exhibit A was admitted
10 into evidence.)

11 JUDGE KIRKLAND-MONTAQUE: So at this
12 juncture, Mr. Vercruysse, if you could state on
13 the record Staff's -- the Commission's position
14 on the project, I would appreciate it.

15 MR. VERCRUYSSSE: Of course, your Honor.
16 Staff supports the petition as filed and recommends
17 that the Grade Crossing Protection Fund be utilized
18 for \$12 million -- not to exceed \$12 million towards
19 the eligible costs for the project. Thank you, your
20 Honor.

21 JUDGE KIRKLAND-MONTAQUE: Okay. Thank
22 you. IDOT -- Mr. Parrish, can state IDOT's position?

1 MR. PARRISH: Yes. IDOT's position
2 is in agreement with the relief requested in the
3 petition. There is only one question, though,
4 your Honor, and that is I referred earlier to
5 one of the Petitioner's witnesses regarding the
6 allocation of costs. Quite frankly, I need to
7 confer with my people, you know, regarding that
8 because I don't think there is a huge difference,
9 but there is a question of whether there is a
10 difference of opinion on the costs.

11 JUDGE KIRKLAND-MONTAQUE: Okay. Okay.
12 Well, at this juncture, what we normally do -- is
13 there anything else, Mr. Vercruysse?

14 MR. VERCRUYSSSE: Yes. To address
15 Mr. Parrish's concerns, Staff is drafting an agreed
16 order. I'm near completion with it, but what I
17 might do is have -- within the prefatory and findings
18 in the agreed order, something that clarifies how
19 Exhibit C and the project costs really break out,
20 it might be a little bit more specific and that might
21 serve to better inform all the parties and make sure
22 it's clear to everyone involved.

1 JUDGE KIRKLAND-MONTAQUE: Right.

2 MR. VERCROYSSSE: I think that would be
3 the direction Staff would seek.

4 JUDGE KIRKLAND-MONTAQUE: Great. I know
5 in previous orders there's sometimes a table in the
6 order with the cost allocation so that might be
7 helpful as well.

8 MR. SHUMATE: The railroad concurs with
9 that and we agree that there should be a table put
10 together by the Staff.

11 JUDGE KIRKLAND-MONTAQUE: Okay. So
12 at this point I will mark the record heard and taken
13 and I will encourage the parties to work with Staff
14 on filing an agreed order in which case obviously
15 you would straighten out all issues, the only issue
16 was the cost issue, and file that and give me a
17 Word version and I will work to get that onto the
18 Commission bench session.

19 The only other thing I would like
20 to ask the parties is to make sure that Melrose
21 Park -- I believe, the Village of Melrose, that
22 they have something on record, an official letter,

1 saying that they are in agreement with the
2 project and then I think all parties will
3 have --

4 MR. HINTON: Okay. We can do that.

5 JUDGE KIRKLAND-MONTAQUE: Okay. Just
6 file that on the eDocket and make sure that that is
7 available and that they have reviewed their agreed
8 order and they are in agreement with it.

9 MR. HINTON: Okay. I think that's all
10 we need. Thank you and we are done for today.

11 MR. VERCRUYSSSE: Thank you, your Honor.

12 MR. SHUMATE: Thank you, your Honor.

13 MR. PARRISH: Thank you, your Honor.

14 (Whereupon, the record has
15 been marked as heard and
16 taken.)

17

18

19

20

21

22